

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LIFESCAN SCOTLAND, LTD.,

CASE NO. 5:11-cv-04494 EJD

Plaintiff(s),

**ORDER RE: COMPLIANCE WITH  
CIVIL LOCAL RULE 79-5(d)**

v.

SHASTA TECHNOLOGIES, LLC, et. al.,

[Docket Item No(s). 297]

Defendant(s).

Presently before the court is Plaintiffs' administrative motion pursuant to Civil Local Rule 79-5(d) to file under seal certain documents previously designated as confidential by Defendants. See Docket Item No. 297.

Civil Local Rule 79-5(d) states:


If a party wishes to file a document that has been designated confidential by another party pursuant to a protective order, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must file and serve an Administrative Motion for a sealing order and lodge the document, memorandum or other filing in accordance with this rule. If only a portion of the document, memorandum or other filing is sealable, the submitting party must also lodge with the Court a redacted version of the document, memorandum or other filing to be placed in the public record if the Court approves the requested sealing order. *Within 7 days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality.* If the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record.

1 Plaintiffs' administrative motion was filed on May 17, 2013. From that date, Defendants  
2 should have filed a declaration pursuant to Civil Local Rule 79-5(d) on or before May 24, 2013. To  
3 date no such declaration has been filed.

4 Accordingly, the court extends the deadline for Defendants to file a declaration pursuant to  
5 Civil Local Rule 79-5(d) until **Thursday, May 30, 2013, at 4:00 p.m.** Defendants are notified that  
6 failure to file a compliant declaration by the extended deadline will result in an order denying  
7 Plaintiffs' administrative motion and directing Plaintiffs to file the referenced documents as part of  
8 the public record - even those previously designated as confidential.

9 **IT IS SO ORDERED.**

10  
11 Dated: May 28, 2013

  
EDWARD J. DAVILA  
United States District Judge